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MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Patent No. 7,622,480 : DECISION ON REQUEST FOR
Fonquerna Pou et al. : RECONSIDERATION OF
Issue Date: November 24, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/509,279 : NOTICE OF INTENT TO ISSUE
Filed: May 5, 2005 : CERTIFICATE OF CORRECTION
Atty. Docket No. 09605.0001 :

This is a decision on the petition filed on January 22, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand three hundred fifty-six (1356) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **one thousand one hundred ninety-four (1194) days**.

In the present petition, patentee incorrectly calculated the periods of B delay and overlap. The B period is 785 days, not 784 days as calculated by patentee. The period of adjustment under § 1.702(b) begins on the day after the date that is three years after the date on which the application commenced under 35 U.S.C. 371(b) or (f) and ends on the date the patent issued, but not including the sums of the periods under 37 CFR 1.702(b)(1)-(4). See 37 CFR 1.703(b). Thus, counting begins on October 2, 2007, and ends on November 24, 2009.

Patentee acknowledged one day of overlap on February 4, 2009. However, patentee did not take into consideration the 163 days

of overlap between A Delay and B Delay, beginning on October 2, 2007, and ending on March 12, 2008. See 35 USC 154(b)(2)(A) and 37 CFR 1.137(f). Thus, the total period of overlap is 164 days.

Accordingly, the patent term adjustment is 1194 days (617 days of A delay + 785 days of B delay - 164 days of overlap - 44 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges the payment of the \$200.00 fee set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand one hundred ninety-four (1194) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT: 7,622,480 B2

DATED: Nov. 24, 2009 **DRAFT**

INVENTOR(S): Fonquerna Pou et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 573 days

Delete the phrase "by 573 days" and insert -- by 1194 days--

Day : Wednesday

PALM INTRANET

Date: 7/14/2010

Time: 07:50:35

PTA Calculations for Application: 10/509279

Application Filing Date:	05/05/2005	PTO Delay (PTO):	617
Issue Date of Patent:	11/24/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	44
Post-Issue Petitions:	0	Total PTA (days):	1194
PTO Delay Adjustment:	621		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	07/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	621		
50.5	11/04/2009	PTA 36 MONTHS			
50	11/24/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
49	10/21/2009	EXPORT TO FINAL DATA CAPTURE			
48	10/20/2009	DISPATCH TO FDC			
47	10/20/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
46	10/15/2009	ISSUE FEE PAYMENT VERIFIED			
45	10/15/2009	ISSUE FEE PAYMENT RECEIVED			
44	09/22/2009	FINISHED INITIAL DATA CAPTURE			
43	07/28/2009	EXPORT TO INITIAL DATA CAPTURE			
42	07/23/2009	MAIL NOTICE OF ALLOWANCE			
41	07/21/2009	ISSUE REVISION COMPLETED			
40	07/21/2009	DOCUMENT VERIFICATION			
39	07/20/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	07/20/2009	CASE DOCKETED TO EXAMINER IN GAU			
37	07/20/2009	NOTICE OF ALLOWABILITY			
36	06/18/2009	DATE FORWARDED TO EXAMINER			
35	06/17/2009	AMENDMENT AFTER FINAL REJECTION		44	33
34	06/17/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	02/04/2009	MAIL FINAL REJECTION (PTOL - 326)	1		30
32	02/02/2009	FINAL REJECTION			
31	10/29/2008	DATE FORWARDED TO EXAMINER			
30	10/03/2008	RESPONSE AFTER NON-FINAL ACTION			

29	07/03/2008	MAIL NON-FINAL REJECTION			
28	07/02/2008	NON-FINAL REJECTION			
24	06/16/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	05/08/2008	DATE FORWARDED TO EXAMINER			
22	04/14/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
21	03/12/2008	MAIL RESTRICTION REQUIREMENT	616		7
20	03/05/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
19	02/28/2008	CASE DOCKETED TO EXAMINER IN GAU			
18	08/09/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	08/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	06/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	12/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	09/27/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11.7	06/16/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	06/16/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	05/05/2005	371 COMPLETION DATE			
6	05/16/2005	APPLICATION DISPATCHED FROM OIPE			
5	05/16/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
4	05/05/2005	ADDITIONAL APPLICATION FILING FEES			
3	05/05/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)